

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.
PELVIC REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL NO. 2326

THIS DOCUMENT RELATES TO THE FOLLOWING CASES:

2:12-cv-07497; 2:12-cv-05762; 2:12-cv-08016 and 2:12-cv-08186

**PRETRIAL ORDER # 57
(FIRST AMENDED DOCKET CONTROL ORDER
FIRST AND SECOND ROUND OF BELLWETHER TRIALS)**

By PTO # 54, I chose the first 4 bellwether cases cited above. It is **ORDERED** that PTO # 32, the first Docket Control Order, which applies to all 4 bellwether cases, is amended as follows:

1. Plaintiffs' Expert Reports. On **November 27, 2013**, plaintiffs shall provide the name and specialty of experts along with proposed deposition dates to occur by January 7, 2014. Plaintiffs shall serve expert reports by **December 6, 2013**.
2. Defendants' Expert Reports/Rebuttal Expert Reports. On **December 13, 2013**, defendants shall provide the name and specialty of experts along with proposed deposition dates to occur by January 20, 2014. Defendants shall serve expert reports by **December 20, 2013**. Plaintiffs shall serve rebuttal expert reports by **January 6, 2014**.
3. Written Discovery. Parties shall serve any and all final, non-duplicative written discovery no later than **December 20, 2013**.
4. Expert Discovery. Expert Discovery shall be completed by **January 20, 2014**.

5. Case-Specific Discovery. Discovery in the bellwether cases shall be completed by **January 20, 2014.**
6. Motion Practice.
 - a. Daubert Motions and Non-Daubert based Dispositive Motions shall be filed by **January 20, 2014.** Response briefs shall be filed by **January 27, 2014.** Reply briefs shall be filed by **January 31, 2014.**
 - b. Daubert based Dispositive motions and motions in limine shall be filed by **February 14, 2014.** Response briefs shall be filed by **February 20, 2014.** Motions in Limine are limited to 3 pages each, responses are limited to 2 pages each.
 - c. Dates for summary judgment and *Daubert* hearings, if any, will be set at an upcoming status conference.
 - d. Local Rule of Civil Procedure 7.1(a)(2) applies regarding the page limits on memoranda in support of dispositive motions as well as responses and replies. The court will not be inclined to grant motions to exceed the page limit. The court requests that the parties abide by Local Civil Rule 7.1(a)(5) regarding courtesy copies.
7. Pretrial and Final Settlement Conferences. The Court shall conduct a pretrial conference on **March 5, 2014, at 10:00 a.m. EST.** and will notify the parties as to the date of a final settlement conference.
8. Deposition Designations. Deposition designations shall be filed by **February 13, 2014.** Any objections to an opposing party's designations, and any counter-designations shall be filed by **February 27, 2014.** Any objections to the counter-

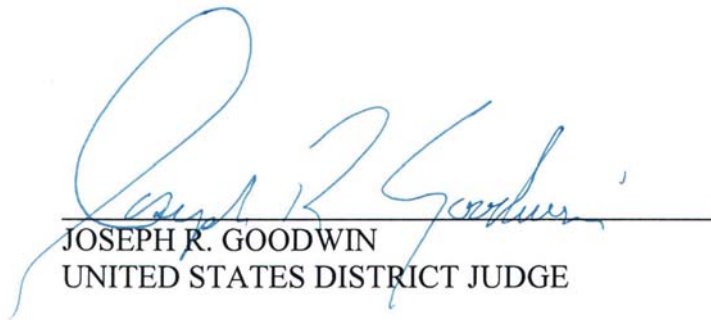
designations, and any counter-designations to an opposing party's counter-designations, shall be filed by **March 5, 2014**.

9. *Exhibit and Witness Lists*. The parties will exchange exhibit and witness lists by **February 27, 2014**.
10. The parties shall file a proposed integrated pretrial order pursuant to Fed. R. Civ. P. 16 3 days prior to the pretrial conference. The proposed integrated pretrial order, signed by all counsel and unrepresented parties, shall set forth the matters listed in Local Civil Rule 16.7(b).
11. The parties shall file proposed jury instructions in charge form on substantive theories of recovery or defense, on damages and on evidentiary matters peculiar to the case, and special interrogatories, if any be appropriate to the case, along with a proposed verdict form on **March 3, 2014**. The court requests that the parties email the proposed jury instructions to the court's law clerk in Word format.
12. *Trial*. The *Fawcett* trial as identified in PTO # 54 shall commence on **March 10, 2014 at 8:30 a.m.** If the *Fawcett* case has settled or is otherwise not ready for trial, the next case in line will proceed to trial. The second trial in MDL 2326 shall commence on **July 14, 2014 at 8:30 a.m.**

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326 and **in the following cases:** 2:12-cv-07497, 2:12-cv-05762, 2:12-cv-08016 and 2:12-cv-08186 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-24688. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the

complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: October 9, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE